

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

v.

ELDEN DON BRANNAN

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CRIMINAL NO. 2:22-CR-184

GOVERNMENT'S MOTIONS *IN LIMINE*

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the United States of America (hereinafter referred to as “the Government”), by and through Jennifer B. Lowery, the United States Attorney in and for the Southern District of Texas and the undersigned Assistant United States Attorney, respectfully moves this Court to grant this Motion *in Limine* and instruct Defense Counsel, Defendant and/or any of their agents, employees, investigators, and/or witnesses called by Defendant not to refer to, allude to or in any manner bring before the jury, any mention of the following without first having: (1) approached the bench; (2) notified the Court of the materiality or relevance of the matter; (3) allowed this Court the opportunity to hear argument and objections to the proposed evidence from both the defense and the Government; and (4) allowed this Court to make a ruling.

I.

Any question, comment, argument, or testimony encouraging the jury to base their verdict on bias or sympathy. Court instructs the jury that they are not to be influenced by bias or sympathy but are to base their verdict on the facts as they find them and the law which the Court gives them. *Pattern Crim. Jury Instr.* 5th Cir. 1.04 (2015). The jury should not be encouraged to disregard these instructions by questions, arguments, or testimony which are designed to encourage it to ignore the Court’s instructions and allow themselves to be influenced by bias or sympathy.

II.

Any question, comment, argument, or testimony encouraging the jury to judge the wisdom or value of the laws which the Defendant is accused of violating. The jury's function is to apply the law given them by the Court to the facts as they find them. The jury is clearly not permitted to judge the wisdom or value of the law and should not be encouraged to do so by questions, arguments, or testimony designed to elicit such judgments on their part.

III.

Any question, comment, argument, or testimony concerning the criteria used to select if and how a case will be prosecuted.

Respectfully submitted,

JENNIFER B. LOWERY
UNITED STATES ATTORNEY

/s/ Joel Dunn
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing GOVERNMENT'S MOTIONS *IN LIMINE* has been sent to the attorney for Defendant via ECF filing, on the 3rd day of October, 2022.

By: s/ Joel Dunn
JOEL DUNN
Assistant United States Attorney